

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Akihiko NISHIO, et al

Art Unit: 2617

Appln. No.: 10/568,672

Exr. N. Huynh

Filed: February 17, 2006

Conf. No. 2716

For: RADIO COMMUNICATION APPARATUS AND SUBCARRIER
ASSIGNMENT METHOD

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Alexandria, VA 22131

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. Attached is a Decision of Dismissal of Written Amendment dated July 6, 2010, which issued in a corresponding Japanese Patent Application. References "MC-CDM System for Packet Communications Using Frequency Scheduling" and "Frame Configuration and Control Scheme in MC-CDM Systems with Frequency Scheduling" were previously cited in the Information Disclosure Statement of June 10, 2010. References JP 2003-198443, JP 2002-247626, and JP 2000-102065 were previously cited in the Information Disclosure Statement of August 10, 2010.

The cited art not previously listed in an Information Disclosure Statement is listed in the attached PTO-1449 for an indication of consideration by the examiner. Copies of any references listed on the PTO-1449, besides U.S. patent documents, are submitted herewith.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention; see *Beckman Instruments, Inc. v. Chemtronics, Inc.*, 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970).

Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

If any additional fee is due please charge it to Deposit Account 04-1061.

Respectfully submitted,

/James Edward Ledbetter/

Date: September 24, 2010

James E. Ledbetter
Registration No. 28,732

JEL/jmb

ATTORNEY DOCKET NO. 009289-06113
Dickinson Wright PLLC
1875 Eye Street, N.W., Suite 1200
Washington, D.C. 20006
Telephone: 202.457.0160
Fax: 202.659.1559

DC 9289-6113 160814